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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,219	07/27/2000	Christof Niehrs	40168	4031

7590 11/28/2001  
Roylance Abrams  
Berdo & Goodman  
Suite 600  
1300 19th Street  
Washington, DC 20036

EXAMINER

ANDRES, JANET L

ART UNIT	PAPER NUMBER
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1646

DATE MAILED: 11/28/2001

9

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/530219	07/27/00	Niehhs	40168

EXAMINER	
Janet Andres	
ART UNIT	PAPER NUMBER
1646	9

Please find below a communication from the **EXAMINER** in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Janet Andres whose telephone number is (703) 305-0557. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Yvonne Eyler whose telephone number is (703) 308-6564. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

YVONNE EYLER, PH.D  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

# NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:  
**Applicant Must Provide:**
- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

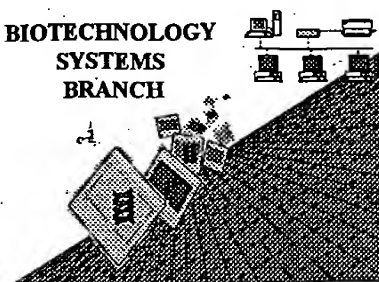
Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

## **RAW SEQUENCE LISTING ERROR REPORT**

BIOTECHNOLOGY  
SYSTEMS  
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NOV 13 2001

STIC CENTER 1600/2900

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/530,219A

Source: OLP

Date Processed by STIC: 9/20/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER  
VERSION 3.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND  
TRADEMARK OFFICE WEBSITE. SEE BELOW:

### **Checker Version 3.0**

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

RECEIVED

NOV 13 2001

## Raw Sequence Listing Error Summary

TECH CENTER 1600/2900

SERIAL NUMBER: 09/530,299A

ERROR DETECTEDSUGGESTED CORRECTION

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1      Wrapped Nucleics  
    Wrapped Aminos  
The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2      Invalid Line Length  
The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3      Misaligned Amino  
    Numbering  
The numbering under each 5<sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4      Non-ASCII  
The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5      Variable Length.  
Sequence(s) 8 contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6      PatentIn 2.0  
    "bug"  
A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s). Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 7      Skipped Sequences  
    (OLD RULES)  
Sequence(s)        missing. If intentional, please insert the following lines for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
This sequence is intentionally skipped  
  
Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8      Skipped Sequences  
    (NEW RULES)  
Sequence(s)        missing. If intentional, please insert the following lines for each skipped sequence.  
<210> sequence id number  
<400> sequence id number  
000
- 9      Use of n's or Xaa's  
    (NEW RULES)  
Use of n's and/or Xaa's have been detected in the Sequence Listing.  
Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa; and which residue n or Xaa represents.
- 10     Invalid <213>  
    Response  
Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence
- 11     Use of <220>.  
Sequence(s)        missing the <220> "Feature" and associated numeric identifiers and responses.  
Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12     PatentIn 2.0  
    "bug"  
Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
- 13     Misuse of n  
n can only be used to represent a single nucleotide in a nucleic acid sequence. N is not used to represent any value not specifically a nucleotide.

OIPE

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/530,219A

DATE: 09/20/2001

TIME: 10:43:27

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Output Set: N:\CRF3\09202001\I530219A.raw

PP5.4

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 4 GLINKA, ANDREI  
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 10 <140> CURRENT APPLICATION NUMBER: 09/530,219A  
 C--> 11 <141> CURRENT FILING DATE: 2001-09-10  
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 14 <151> PRIOR FILING DATE: 1998-10-27  
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 Corrected Diskette Needed

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/530,219A

DATE: 09/20/2001  
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RAW SEQUENCE LISTING  
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RAW SEQUENCE LISTING  
 PATENT APPLICATION: US/09/530,219A

DATE: 09/20/2001  
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177 aggggtggaga aaacaaaaga aatcatgagt gtatcattga tgaagactgt gaaacaggaa 480
178 agtattgccca gttctccacc tttgaatata agtgtcagcc ctgtaaaacc cagcatacac 540
179 actgctcacg agatgttgaa tgctgcggag accagctttg tgtttggggt gagtgcagga 600
180 aagccaacttc aagaggagaa aatggtacca tttgtgagaa ccaacatgac tgcaaccagg 660
181 gaacgtgctg tgcttttcag aaagaactgc tgtttctctg gtgcactccg ttaccggaag 720
182 aaggtgaacc ttgccatgat ccttcaaaca gacttctcaa cctgatcacc tgggaactgg 780
183 aacctgatgg agtactagag cgctgcccat gtgcaagtgg cttgatctgc caacctcaga 840
184 gcagccacag tactacatct gtgtgtgaac tgtcctccaa tgaaaccagg aaaaacgaaa 900
185 aagaagatcc cttgaacatg gatgagatgc catttatcag ttttaataccc agagatattc 960
186 tttctgatta cgaagaaagc agcgtcattc aggaagtgcg taaagaatta gaaagcctgg 1020
187 aggaccaagc aggtgtgaag tctgagcatg acccggtcga tgacctattt ctgggagatg 1080
188 aaatatgaag ttcaaacacc agtttagtta gtctagaaa ttgttgtcta gtgtcttgct 1140
189 tacatacacc cttaacagat actgctggat agaagtgcaa taaacatctt cattgagcat 1200
190 ccgttttctg gcaccaaacc tgcattgtca aattcatgtt gaattcactc aatctttgga 1260
191 ccaaactttc catcaaagac aaatgagaaa ggcacagtg tttcctttgg attaatacctt 1320
192 tcctttgtac agcagaaata aacgtatcag tactcgtact cattaataaaa acacacggag 1380
193 cat
196 <210> SEQ ID NO: 8
197 <211> LENGTH: 44
198 <212> TYPE: PRT
199 <213> ORGANISM: Artificial Sequence
201 <220> FEATURE:
202 <223> OTHER INFORMATION: Description of Artificial Sequence: Consensus wnt
203 Protein
205 <220> FEATURE:
206 <221> NAME/KEY: MOD_RES
207 <222> LOCATION: (2)..(8)
208 <223> OTHER INFORMATION: Any Amino Acid
210 <220> FEATURE:
211 <221> NAME/KEY: MOD_RES
212 <222> LOCATION: (9)
213 <223> OTHER INFORMATION: More Than One Amino Acid
215 <220> FEATURE:
216 <221> NAME/KEY: MOD_RES
217 <222> LOCATION: (10)..(16)
218 <223> OTHER INFORMATION: Any Amino Acid
220 <220> FEATURE:
221 <221> NAME/KEY: MOD_RES
222 <222> LOCATION: (18)..(19)
223 <223> OTHER INFORMATION: Any Amino Acid
225 <220> FEATURE:
226 <221> NAME/KEY: MOD_RES
227 <222> LOCATION: (21)..(26)
228 <223> OTHER INFORMATION: Any Amino Acid
230 <220> FEATURE:
231 <221> NAME/KEY: MOD_RES
232 <222> LOCATION: (28)..(32)

```

*invalid - see item 5  
 on Error Summary  
 sheet*

RAW SEQUENCE LISTING  
 PATENT APPLICATION: US/09/530,219A

DATE: 09/20/2001  
 TIME: 10:43:27

Input Set : A:\40168.app  
 Output Set: N:\CRF3\09202001\I530219A.raw

```

233 <223> OTHER INFORMATION: Any Amino Acid
235 <220> FEATURE:
236 <221> NAME/KEY: MOD_RES
237 <222> LOCATION: (35)..(38)
238 <223> OTHER INFORMATION: Any Amino Acid
240 <220> FEATURE:
241 <221> NAME/KEY: MOD_RES
242 <222> LOCATION: (40)..(41)
243 <223> OTHER INFORMATION: Any Amino Acid
245 <220> FEATURE:
246 <221> NAME/KEY: MOD_RES
247 <222> LOCATION: (43)
248 <223> OTHER INFORMATION: Any Amino Acid
250 <400> SEQUENCE: 8
W--> 251 Cys Xaa Xaa Xaa Xaa Xaa Xaa Xaa Xaa Xaa Xaa Xaa Xaa Xaa Xaa Xaa
      252   1           5           10           15
W--> 254 Cys Xaa Xaa Cys Xaa Xaa Xaa Xaa Xaa Xaa Cys Xaa Xaa Xaa Xaa Xaa
      255           20           25           30
W--> 257 Cys Cys Xaa Xaa Xaa Cys Xaa Xaa Gly Xaa Cys
      258           35           40
261 <210> SEQ ID NO: 9
262 <211> LENGTH: 65
263 <212> TYPE: PRT
264 <213> ORGANISM: Artificial Sequence
266 <220> FEATURE:
267 <223> OTHER INFORMATION: Description of Artificial Sequence: Consensus wnt
268     Protein
270 <220> FEATURE:
271 <221> NAME/KEY: MOD_RES
272 <222> LOCATION: (2)..(3)
273 <223> OTHER INFORMATION: Any Amino Acid
275 <220> FEATURE:
276 <221> NAME/KEY: MOD_RES
277 <222> LOCATION: (5)..(6)
278 <223> OTHER INFORMATION: Any Amino Acid
280 <220> FEATURE:
281 <221> NAME/KEY: MOD_RES
282 <222> LOCATION: (8)..(11)
283 <223> OTHER INFORMATION: Any Amino Acid
285 <220> FEATURE:
286 <221> NAME/KEY: MOD_RES
287 <222> LOCATION: (14)..(15)
288 <223> OTHER INFORMATION: Any Amino Acid
290 <220> FEATURE:
291 <221> NAME/KEY: MOD_RES
292 <222> LOCATION: (17)
293 <223> OTHER INFORMATION: Any Amino Acid
295 <220> FEATURE:
296 <221> NAME/KEY: MOD_RES

```

Use of n and/or Xaa has been detected in the Sequence Listing.  
 Review the Sequence Listing to insure a corresponding  
 explanation is presented in the <220> to <223> fields of  
 each sequence using n or Xaa.

## VERIFICATION SUMMARY

DATE: 09/20/2001

PATENT APPLICATION: US/09/530,219A

TIME: 10:43:28

Input Set : A:\40168.app

Output Set: N:\CRF3\09202001\I530219A.raw

L:11 M:271 C: Current Filing Date differs, Replaced Current Filing Date

L:251 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:8

L:254 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:8

L:257 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:8

L:356 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:9

L:359 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:9

L:362 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:9

L:365 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:9